

Message Text

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ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 AF-10 ARA-10 EA-10
EUR-12 ACDA-12 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 EPA-01
SOE-02 DOE-15 FMC-01 TRSE-00 H-01 INR-10 INT-05
JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01
PA-01 PM-05 SP-02 SS-15 ICA-11 /188 W
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FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8616

LOS COLLECTIVE

AMEMBASSY KATHMANDU

AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 01 OF 02 MISSION GENEVA 05953

E.O. 1652: GDS

TAGS:PLOS

SUBJECT: LAW OF THE SEA - APRIL 18 HIGHLIGHTS

SUMMARY: AT THE PLENARY, AMERASINGHE FORMALLY ANNOUNCED THE COMPOSITION OF THE WORKING GROUPS. IN THE FIRST COMMITTEE THE NJENGA NEGOTIATING GROUPS CONTINUED TO DISCUSS THE TRANSFER OF TECHNOLOGY AND ARTICLE 151. THE SECOND COMMITTEE NEGOTIATING GROUP (NG-4) LISTENED TO A REPETITIOUS DEBATE ON THE LL/GDS ACCESS ISSUE. THE COMPULSORY DISPUTE SETTLEMENT MEETING (CDS) ESTABLISHED TWO NEGOTIATING GROUPS ON CDS IN THE ECONOMIC ZONE AND DELIMITATION.

1. PLENARY: IN AN ABBREVIATED PLENARY ON APRIL 18, AMERASINGHE OFFICIALLY ANNOUNCED THE COMPOSITION AND CHAIRMEN OF THE WORKING GROUPS. THE ONLY INTERVENTION WAS MADE BY TURKEY WHO THOUGH NOT OPPOSING STAVROPOULOS (GREECE) AS CHAIRMAN OF NEGOTIATING GROUP (NG-5) NEVERTHELESS WANTED ON THE RECORD THAT STAVROPOULOS BELONGED TO A DELEGATION

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WHOSE VIEWS AND ATTITUDES CAUSED CONCERN TO TURKEY. HE HOPED THAT THE NG-5 CHAIRMAN WOULD BE THOROUGHLY OBJECTIVE IN THE PERFORMANCE OF HIS NEW DUTIES.

2. FIRST COMMITTEE: THE NJENGA GROUP (NG-1) HELD TWO MEETINGS TO DISCUSS TRANSFER OF TECHNOLOGY (TOT) AND ARTICLE 151. THERE WERE A LARGE NUMBER OF SPEAKERS BUT

THE RATHER FORMALISTIC INTERVENTIONS PRODUCED FEW USEFUL INPUTS. AT THE CONFIDENTIAL SMALL NJENGA GROUP, NJENGA IS EXPECTED TO RE-DRAFT THE FIRST THREE PARAGRAPHS OF ARTICLE 151 AND TO SECURE AGREEMENT ON REPLACING THE OBJECTIONABLE TOT PROVISIONS (PARAGRAPH 2) WITH A REFERENCE TO THE APPLICABLE PARTS OF ANNEX II. NEGOTIATING GROUP-3 ON FINANCIAL ARRANGEMENT (CHAIRMAN BY KOH OF SINGAPORE), IS TO HOLD ITS FIRST MEETING ON APRIL 19 WHEN KOH IS EXPECTED TO ANNOUNCE THAT HIS GROUP WILL GIVE SCHEDULING PRIORITY TO THE NJENGA GROUP.

3. SECOND COMMITTEE:NEGOTIATING GROUP FOUR (NG-4) ON THE RIGHT OF ACCESS OF LAND-LOCKED AND GEOGRAPHICALLY DIS-ADVANTAGED STATES (LL/GDS) TO THE LIVING RESOURCES OF THE ECONOMIC ZONE, HELD ITS FIRST MEETING ON APRIL 18. AUSTRIA OPENED THE DEBATE BY GIVING AN HISTORICAL ACCOUNT OF THE EVOLUTION OF THE LL/GDS QUESTION. PERU CALLED UN-REALISTIC THE LL/GDS DEMANDS ON THE COASTAL STATES.

A. WORKING FROM AN INTERSESSIONAL DOCUMENT DESCRIBING THE MAJOR DIFFICULTIES SEPARATING THE LL/GDS AND COASTAL STATES, DISCUSSION FOCUSED ON WHETHER THE GRANT OF ACCESS TO THE LIVING RESOURCES OF THE ZONE SHOULD BE DESCRIBED AS A "A RIGHT TO PARTICIPATE". THE DEBATE RESULTED IN A RE-STATEMENT OF RESPECTIVE POSITIONS. THE COASTAL STATES GROUP--PARTICULARLY PERU, NORWAY, ICELAND, MEXICO, CHILE AND URUGUAY--MAINTAINED THEIR POSITION THAT SUCH A GRANT

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WOULD BE INCOMPATIBLE WITH COASTAL STATE SOVEREIGNTY. THE LL/GDS ARGUED THAT ONLY BY SPECIFYING THE RIGHT IN THE CONVENTION COULD THEY BE ASSURED OF ACCESS AND PROTECT THEMSELVES FROM PERHAPS CAPRICIOUS COASTAL STATE DISCRETION.

B. SEVERAL LL/GDS, INCLUDING IRAN, UAE, BAHRAIN, AND CZECHOSLOVAKIA, EMPHASIZED THAT THE "CONTENT" OF THE RIGHT OF ACCESS IS MORE IMPORTANT THAN ITS SPECIFICATION, AND THUS WERE WILLING TO RETURN TO THE QUESTION OF THE DESCRIPTION OF THE RIGHT OF ACCESS AFTER EXAMINING MORE SUBSTANTIVE ISSUES. (THIS SHOULD NOT BE VIEWED AS A SOFTENING OF LL/GDS QUEST FOR A "RIGHT" OF ACCESS.)

C. TRINIDAD AND TOBAGO, CITING ITS STATUS AS BOTH A COASTAL AND A GEOGRAPHICALLY DISADVANTAGED STATE, CAST ITSELF IN THE ROLE OF A POSSIBLE MEDIATOR.

4. COMPULSORY DISPUTE SETTLEMENT: THE COMPOSITION OF THE REMAINING TWO NEGOTIATING GROUPS ON HARD-CORE ISSUES WAS COMPLETED ON APRIL 18. ONE GROUP WILL CONSIDER ISSUE 5 - (DISPUTE SETTLEMENT IN THE ECONOMIC ZONE), AND THE OTHER WILL DEAL WITH ISSUE 7 - (DELIMITATION OF MARITIME BOUNDARIES

BETWEEN STATES AND SETTLEMENT OF DISPUTES THEREON). THE NUCLEUS OF NEGOTIATING GROUP 5 (NG-5) IS TO CONSIST OF THE FOLLOWING 36 STATES: ALGERIA, ANGOLA, EGYPT, LESOTHO, LIBERIA, MADAGASCAR, NIGERIA, SWAZILAND, ZAMBIA, CHINA, FIJI, INDIA, INDONESIA, IRAN, OMAN, PAKISTAN, SINGAPORE, ARGENTINA, CHILE, COLOMBIA, ECUADOR, JAMAICA, MEXICO, AUSTRALIA, CANADA, DENMARK, FEDERAL REPUBLIC OF GERMANY, ICELAND, NORWAY, SWITZERLAND, BULGARIA, HUNGARY, USSR, YUGOSLAVIA, AND THE U.S. (NG -5) AS ALL THE OTHER GROUPS, WILL BE OPEN-ENDED SO ANY NON-NUCLEUS STATE MAY ALSO PARTICIPATE. THE CHAIRMAN OF THE GROUP WILL BE CONSTANTINE STAVROPOULOS, (GREECE) FORMER CHIEF LEGAL OFFICER OF THE UNITED NATIONS AND FIRST SECRETARY-GENERAL OF THE LOS CONFERENCE. THE NUCLEUS OF (NG-7) WILL BE SELF-SELECTING. CONFIDENTIAL

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ANY DELEGATION WHICH WISHES TO BE A PART OF IT IS TO

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AMEMBASSY KATHMANDU

AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 05953

NOTIFY THE GROUP'S CHAIRMAN, JUDGE E. J. MANNER OF FINLAND.
THE U.S. DELEGATION IS ALSO A PART OF THE NUCLEUS OF (NG-7).
RICHARDSON

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